



Office of the Attorney General

State of Texas

November 13, 1996

DAN MORALES
ATTORNEY GENERAL

Mr. John Steiner
Division Chief
P.O. Box 1088
Austin, Texas 78767-1088

OR96-2082

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101829.


The Austin Police Department (the "department") received a request for all information concerning case number 96-2081625. You claim that the information is excepted from required public disclosure by section 552.108 of the Government Code. We have reviewed the documents at issue.

The Open Records Act imposes a duty on governmental bodies seeking an open records decision pursuant to section 552.301 to submit that request to the attorney general within ten days after the governmental body's receipt of the request for information. The time limitation found in section 552.301 is an express legislative recognition of the importance of having public information produced in a timely fashion. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). When a request for an open records decision is not made within the time period prescribed by section 552.301, the requested information is presumed to be public. See Gov't Code § 552.302. This presumption of openness can only be overcome by a compelling demonstration that the information should not be made public. See, e.g., Open Records Decision No. 150 (1977) (presumption of openness overcome by showing that information is made confidential by another source of law or affects third party interests).

In this instance, the request for information was received by your office on August 16, 1996. You sought an open records decision from this office on August 27, 1996. Cf. Gov't Code § 552.308(1). Consequently, you did not timely request a ruling from this office and the information is presumed to be public. In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. Open Records Decision No. 195 (1978). See also Gov't Code § 552.352 (distribution of confidential

information is criminal offense); Open Records Decision No. 586 (1991) (need of another governmental body to withhold requested information may provide compelling reason for nondisclosure). If you have any questions regarding this matter, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 101829

Enclosures: Submitted documents

cc: Mr. Garrett Davis
P.M. Clinton, International Investigations
P.O. Box 801141
Houston, Texas 77280
(w/o enclosures)